

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE:

FAYE KUNCE N/K/A FAYE GRAHAM,

Respondent

v.

JEFFREY J. KUNCE.

Appellant

DOCKET NUMBER WD77399

DATE: APRIL 28, 2015

Appeal From:

Circuit Court of Boone County, MO
The Honorable Leslie Mayberry Scheider, Judge

Appellate Judges:

Division Three
Mark D. Pfeiffer, PJ., Gary D. Witt, Anthony Rex Gabbert, JJ

Attorneys:

Gretchen Yancey Rogers, Columbia, MO,

Counsel for Respondent

Attorneys:

Elizabeth Karsian Wilson, Columbia MO

Counsel for Appellant

**MISSOURI APPELLATE COURT OPINION SUMMARY
MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

FAYE KUNCE N/K/A FAYE GRAHAM,

Respondent,

v.

JEFFREY J. KUNCE,

Appellant.

WD77399

Boone County

Before Division Three Judges: Mark D. Pfeiffer, PJ., Gary D. Witt, Anthony Rex Gabbert, JJ

Jeffrey J. Kunce appeals the circuit court's judgment denying his motion to terminate or modify maintenance. First, Kunce argues that the circuit court erred in denying his motion to terminate maintenance because Faye Graham remarried. Second, Kunce argues that the circuit court erred in denying his motion to modify maintenance because Kunce proved a substantial and continuing change in circumstances, while Graham failed to adduce evidence to support a continued award of \$1,800 per month of maintenance. Finally, Kunce argues that the circuit court erred in awarding Graham's attorney's fees in the amount of \$1,500 because the totality of the circumstances does not support an award of attorney's fees.

AFFIRM.

Division Three holds:

The circuit court did not error in denying Kunce's motion to terminate or modify maintenance because (1) the cases cited by Kunce to show that the trial court misapplied the law are distinguishable from the facts in the present case; most notably, there was a factual dispute here as to whether Graham had a marriage ceremony; and (2) the rental and health insurance expenses used by the court in calculating Graham's expenses were needed expenses and were supported by substantial evidence. We further conclude that the circuit court did not abuse its discretion in awarding Graham attorney's fees because of the financial disparity between the parties and Kunce's substantial amount owed in maintenance to Graham.

Opinion by Anthony Rex Gabbert, Judge

Date:4/18/15

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